

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

OSCAR L. JOHNNY, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-04008-CV-FJG
)	
LARRY BORNOWSKI and)	
STAMPEDE CARRIERS, LLC,)	
et al.,)	
Defendants.)	

ORDER

Currently pending before the Court are the parties' objections to the deposition designations of Murray Underwood and Brandon Wade. The Court hereby rules as follows:

Defendants' Objections to Plaintiff's Designations
(Doc. No. 132)

MURRAY UNDERWOOD

PAGE REFERENCE	OBJECTION	RULING
Page 43, lines 3-7	Foundation, calls for speculation, ultimate issue, invades the province of the jury (whether Bornowski was going too fast)	SUSTAINED

Plaintiff's Objections to Defendants' Designations
(Doc. No. 133)

MURRAY UNDERWOOD

PAGE REFERENCE	OBJECTION	RULING
P. 5; lines 4-8	Not a question	SUSTAINED

P. 5; line 17 to P. 6; line 5	Non-responsive	SUSTAINED
P. 6; lines 6-14	Foundation	OVERRULED
P. 6; lines 6-18	Not a question; Non-Responsive; Relevance; Vague and ambiguous	SUSTAINED
P. 6; line 25 to P. 7; line 2	Not a question; Non-Responsive	SUSTAINED
P. 7; lines 3-12	Foundation	SUSTAINED
P. 7; line 17 to P. 8; line 15	Foundation	SUSTAINED
P. 8; lines 12-15	Not a question; Non-Responsive; Foundation	SUSTAINED
P. 8; line 20 to P. 9; line 1	Foundation	SUSTAINED
P. 9; lines 4-10	Foundation	SUSTAINED
P. 9; lines 11-18	Hearsay; Foundation	OVERRULED
P. 9; lines 18-21	Foundation	OVERRULED
P. 9; line 22 to P. 10; line 14	Foundation	SUSTAINED
P. 10; lines 15-19	Foundation	OVERRULED
P. 12; lines 16-20	Relevance	OVERRULED
P. 13; lines 2-9	Relevance	SUSTAINED
P. 14; line 21 to P. 15; line 23	Foundation; Relevance	OVERRULED
P. 15; line 25 to P. 16; line 24	Foundation; Relevance	OVERRULED
P. 17; lines 2-4	Foundation	SUSTAINED
P. 17; line 7 to P. 18	Foundation; Relevance; Form	SUSTAINED
P. 18; line 15 to P. 20 line 25	Foundation; Relevance; Form	OVERRULED

P. 21; lines 3-13	Foundation; Relevance; Form	OVERRULED
P. 21; line 17 to P. 22; line 24	Relevance	OVERRULED
P. 22; lines 21-24	Relevance	OVERRULED
P. 23; line 2 to P. 24; line 13	Relevance	OVERRULED
P. 25; line 5 to P. 26; line 18	Foundation; Relevance; Form	OVERRULED
P. 26; line 18 to P. 29; line 23	Foundation; Relevance	OVERRULED
P. 30; line 3 to P. 32; line 18	Foundation; Relevance	OVERRULED
P. 32; line 23 to P. 33; line 12	Foundation; Relevance	OVERRULED

BRANDON WADE

PAGE REFERENCE	OBJECTION	RULING
P. 5; lines 8-15	Relevance	OVERRULED
P. 5; line 24 to P. 6; line 3	Relevance; Foundation	SUSTAINED
P. 6; lines 11-21	Relevance	SUSTAINED
P. 6; line 25 to P. 7; line 2	Relevance	OVERRULED
P. 7; line 21 to P. 8; line 21	Relevance; Foundation	OVERRULED
P. 9; lines 6-24	Relevance; Foundation; Speculation	SUSTAINED
P. 10; lines 3-25	Relevance	OVERRULED
P. 11; lines 12-25	Foundation; Relevance	OVERRULED
P. 13; line 1 to P. 14	Relevance	OVERRULED
P. 14; line 24 to P. 16; line 25	Relevance	SUSTAINED
P. 17; lines 1-25	Relevance	OVERRULED

P. 18; line 1 to P. 19; line 24	Foundation; Relevance	SUSTAINED
P. 20; lines 10-13	Not a question	SUSTAINED
P. 24; lines 2-5	Foundation	SUSTAINED
P. 24: lines 8 - 18	"It" Non-Responsive	OVERRULED
P. 24: lines 12-25	Form; Leading; Foundation	SUSTAINED
P. 25: lines 4-8	Foundation	SUSTAINED
P. 26: lines 7-12	Leading; Foundation	OVERRULED
P. 26: lines 15-19	Leading; Foundation; Relevance	SUSTAINED
P. 27: lines 3-11	Leading; Foundation; Relevance	SUSTAINED

Date: September 20, 2012
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge